IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

CRP.No. 1117 of 2005()

AGAINST THE ORDER DATED 29/08/2005 IN IA 2016 2005 IN OS.725/2004 of PRL.MUNSIFF COURT, CHERTHALA

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REVN. PETITIONER:

ANTONY CYRIAC, SON OF KURIAKOSE,
PROPRIETOR, CHENOTH PAINTS, RESIDING AT
CHENNOTH, KARIYIL HOUSE, CHERTHALA EAST MURI,
KOKOTHAMANGALAM VILLAGE.

BY ADV. SRI.V.GIRI
SRI.JOBY CYRIAC

RESPONDENTS:

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1. A.K.PADMAKSHY, D/O.KUTTIYAMMA,
ANI BHAVAN, CHERTHALA NORTH VILLAGE,
C.M.C. 5, CHERTHALA.

2. JOSEPH CYRIAC, SON OF KURIAKOSE,
CHENNOTH KARIYIL HOUSE, CHERTHALA EAST MURI,
KOKOTHAMANGALAM VILLAGE.

BY ADV. SRI.B.JAYASANKAR

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. NO.741/2006 IN CRP NO.1117 OF 2005

DISMISSED

12.7.2007 SD/- PIUS C.KURIAKOSE, JUDGE

/TRUE COPY/

P.A. TO JUDGE

PIUS C. KURIAKOSE, J.

C.R.P. NO.1117 OF 2005

Dated this the 12th day of July, 2007

O R D E R

I do not find any jurisdictional infirmity about the impugned order so as to warrant invocation of the revisional jurisdiction of this court under Section 115 of the Code of Civil Procedure.

2. The learned counsel for the petitioner submits that the petitioner did file an application under Order 21 Rule 97 of the CPC before the Principal Munsiff Court and that the said application was enquired into by that court and orders are awaited on that application.

Under the above circumstances, I am of the view that the petitioner need not have to be aggrieved by the impugned order at all. Sri.B.Jayasankar, the learned counsel for the decree holder voiced a grievance which I feel is genuine. Sri.Jayasankar submitted that even though the final arguments were heard by the learned Principal Munsiff, Cherthala in the petition under

Order 21 Rule 97 filed by the present civil revision petitioner in RCP No.39/1998 pending execution before that court, the learned Munsiff has not passed any orders so far. Even as I dispose of the CRP without granting the relief sought for by the petitioner, I direct the Principal Munsiff, Cherthala to pass orders on the application under Order 21 Rule 97 at the earliest and at any rate within three weeks of receiving a copy of this order.

PIUS C. KURIAKOSE,
JUDGE.

dpk